

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JOSE MARRERO,

Plaintiff,

v.

Case No. 3:20-cv-1147-MMH-JBT

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 23; Report) entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on May 24, 2021. In the Report, Judge Toomey recommends that Defendant's Amended Motion to Dismiss Plaintiff's Complaint and Incorporated Memorandum of Law in Support (Dkt. No. 6; Motion) be granted to the extent that Plaintiff's Complaint (Dkt. No. 3) be dismissed without prejudice. See Report at 9. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required

to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

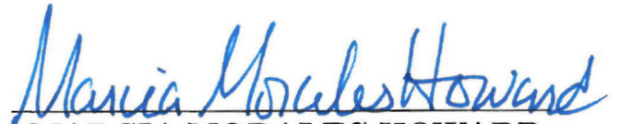
Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Report and Recommendation (Dkt. No. 23) is **ADOPTED** as the opinion of the Court.
2. Defendant's Amended Motion to Dismiss Plaintiff's Complaint and Incorporated Memorandum of Law in Support (Dkt. No. 6) is **GRANTED** to the extent that Plaintiff's Complaint is **DISMISSED without prejudice**.

3. The Clerk of the Court is directed to terminate any pending motions and close the file.

DONE AND ORDERED at Jacksonville, Florida, this 22nd day of June, 2021.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record